

CITY COUNCIL REPORT



Meeting Date: September 14, 2010
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Culinary Dropout 16-UP-2010

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8434 approving a Conditional Use Permit for Live Entertainment at an existing 6,927+/- square-foot restaurant (Culinary Dropout) located at 7135 E. Camelback Road, Ste. 125 with Downtown, Regional Commercial Office, Type 2 with Planned Block Development, Downtown Overlay district (D/RCO-2 PBD/DO) zoning, per the attached stipulations.

OWNER

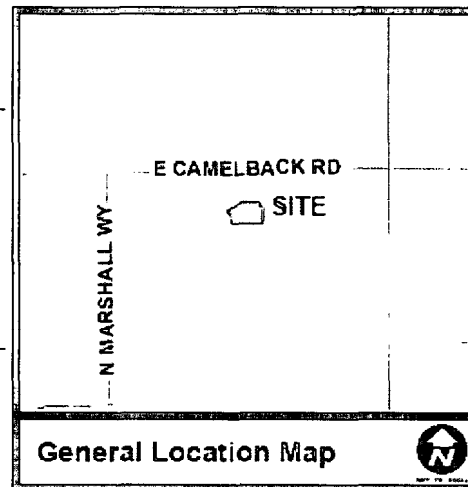
Metzler | Scottsdale Waterfront Lp
 480-247-8071

APPLICANT CONTACT

Kara Sundeen
 Fox Restaurant Concepts
 480-905-6920

LOCATION

7135 E. Camelback Road, Suite 125



BACKGROUND

Zoning

The site is zoned Downtown, Regional Commercial Office, Type 2 with Planned Block Development, Downtown Overlay district (D/RCO-2 PBD DO). The Regional Commercial Office subdistrict is intended to provide for large-scale development of office and commercial uses, including regional shopping centers. Residential use is also permitted in mixed-use developments. Live entertainment is permitted, subject to City Council approval of a Conditional Use Permit. The

existing restaurant currently operates with a Series 12 Liquor License approved under case 77-LL-2009.

Context

The restaurant is located on the south side of E. Camelback Road, on the ground floor of the Scottsdale Waterfront mixed-use development, which contains a variety of uses, including several restaurants, retail establishments, offices and multi-family residential.

Adjacent Uses and Zoning

- North Fashion Square Mall in the D/RCO-2 PBD DO zoning district
- South Scottsdale Waterfront Condominium residences in the D/RCO-2 PBD DO zoning district
- East Wildfish restaurant in the D/RCO-2 PBD DO zoning district
- West Retail establishments in the D/RCO-2 PBD DO zoning district

Key Items for Consideration

- The restaurant's full menu will be offered during all hours of live entertainment.
- All live entertainment will be conducted indoors.
- External building openings will be kept closed during live entertainment performances.
- Planning Commission heard this case on August 11, 2010, and recommended approval with a unanimous vote of 6-0.

Related Policies, References:

77-LL-2009 – Series 12 Liquor License approved December 2009

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is to add Live Entertainment to the existing restaurant use. Culinary Dropout opened February 2010 and operates daily from 11:30 a.m. to midnight, offering a full menu of entrees, sandwiches, salads and appetizers. The applicant wishes to offer live music from 9:00 p.m. to 11:00 p.m. daily, as an amenity to guests to enhance their dining experience. The applicant proposes to offer the full menu and keep closed, but not locked, all windows, doors and other external openings during hours of live entertainment.

Development Information

- Existing Use: Restaurant
- Proposed Use: Live Entertainment
- Gross FloorArea: 6,927 sq. ft. (including 1,400 sq. ft. outdoor patio)
- Parking Required: 20 spaces
- Parking Provided: 690 spaces at Scottsdale Waterfront parking garage

IMPACT ANALYSIS

Conditional Use Permit

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The proposed live entertainment will be completely contained within an enclosed building. Existing outdoor speakers will not be connected to any live entertainment equipment and will be used for transmission of recorded music only. All windows and doors and other external openings will remain closed but unlocked during the hours when live entertainment is offered.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The proposed live entertainment will serve as an amenity to guests during their dining experience, and is not expected to generate any additional traffic.**
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **There are no anticipated police, fire or other service impacts anticipated from the proposed live entertainment use. No other factors associated with this use are anticipated to be materially detrimental to the public.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The Scottsdale Waterfront mixed-use development contains a variety of uses, including several restaurants, retail shops, offices, and multi-family residential. Located immediately south of Scottsdale Fashion Square, the area is a bustling commercial center with a strong pedestrian orientation. The proposed live entertainment will be offered in the evening only between 9:00 p.m. and 11:00 p.m. The nearest residences are located south of the commercial building, and the residences are buffered by the commercial building's interior common area hallway, the loading area, and because the restaurant's doors and windows are all located on the north elevation facing Camelback.**

The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.J., including:

Live entertainment.

1. The site plan shall demonstrate that:
 - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - **The restaurant is surrounded by commercial buildings to the east and west. The nearest residences are located south of the building, and the residences are buffered by the commercial building's interior common area hallway, the loading area, and because the restaurant's doors and windows are all located on the north elevation facing Camelback.**
 - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - **All patron entrances will continue to be well lit and clearly visible to patrons from the public street.**
 - **No changes are proposed to the existing lighting on the site.**
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - **The floor plan identifies that all live entertainment activities will occur within the existing building. Existing outdoor speakers will not be connected to any live entertainment equipment and will be used for transmission of recorded music only. All windows and doors and other external openings will remain closed but unlocked during the hours when live entertainment is offered.**
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning Department.
 - **A Security, Maintenance and Operations Plan has been submitted and approved by the Police Department.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
 - **No changes are proposed to the existing lighting on the site.**
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
 - **Provisions for refuse control are included with the Security, Maintenance and Operations Plan.**
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
 - **The proposed floor plan identifies the area for the live entertainment within the building, and it comprises three percent of the gross floor area of the tenant space.**

7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
 - **The entrance to the establishment is provided by E. Camelback Road, an arterial roadway.**
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.
 - **The proposed live entertainment use does not increase the parking requirement of the existing restaurant. It has been determined that a parking study is not necessary.**
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
 - **Documentation provided by the applicant with the submittal was sufficient for staff to evaluate the potential impacts of the proposed ancillary live entertainment on the surrounding area.**
10. The following operational standards must be met by the use throughout its operation:
 - a. All external doors shall be closed but not locked during business hours.
 - **The owner and operator have agreed to ensure that all doors, windows and other external openings shall be closed, but not locked, during hours of live entertainment.**
 - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
 - **The nearest residential use is located south of the subject site, and the residences are buffered by the commercial building's interior common area hallway, the loading area, and because the restaurant's doors and windows are all located on the north elevation facing Camelback. Existing outdoor speakers will not be connected to any live entertainment equipment and will be used for transmission of recorded music only.**
 - c. The applicant/operator shall comply with all plans approved as provided herein.
 - **The Conditional Use Permit has been stipulated to the specific floor plan for the building.**

Traffic

The proposed live entertainment is not anticipated to increase traffic in the area, because the entertainment will be an amenity to the existing restaurant use, intended to enhance the dining experience.

Community Involvement

The site is posted with the required signage, and property owners within 750 feet of the site have been notified of the applicant's request. As of the date of this report, staff has received no opposition to the proposed ancillary live entertainment.

Community Impact

The proposed Live Entertainment use will be fully contained within the building, and the restaurant will be required to keep all doors, windows and other external openings closed, but not locked, during times when live entertainment is offered, which will help to minimize any potential impacts from noise associated with the live entertainment use.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on August 11, 2010, and found that the conditional Use Permit criteria had been met and recommended approval, subject to the attached stipulations, with a unanimous vote of 6-0.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission make a recommendation to City Council for approval per the attached stipulations, finding that the Conditional Use Permit criteria have been met.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8434 approving a Conditional Use Permit for Live Entertainment at an existing 6,927+/- square-foot restaurant (Culinary Dropout) located at 7135 E. Camelback Road, Ste. 125 with Downtown, Regional Commercial Office, Type 2 with Planned Block Development, Downtown Overlay district (D/RCO-2 PBD/DO) zoning, per the attached stipulations.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACTS (S)

Kim Chafin, AICP, LEED-AP

Senior Planner

480-312-7734

E-mail: kchafin@ScottsdaleAZ.gov


APPROVED BY



Kim Chafin, AICP, LEED-AP, Report Author

8-21-10


Date



Tim Curtis, AICP, Acting Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

8/23/2010

Date



Connie Padian, Acting Executive Director
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

8/30/10

Date

ATTACHMENTS

1. Resolution No. 8434
Exhibit 1. Context Aerial
Exhibit 2. Stipulations
Exhibit A to Exhibit 2: Site Plan
Exhibit B to Exhibit 2: Floor Plan
Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. General Plan Map
5. Zoning Map
6. Citizen Involvement
7. City Notification Map
8. August 11, 2010 Planning Commission Minutes

RESOLUTION NO. 8434

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT LOCATED AT 7135 EAST CAMELBACK ROAD, SUITE 125 WITH DOWNTOWN, REGIONAL COMMERCIAL OFFICE, TYPE 2 WITH PLANNED BLOCK DEVELOPMENT DISTRICT, DOWNTOWN OVERLAY (D/RCO-2 PBD DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on August 11, 2010, and

WHEREAS, the City Council, held a public hearing on September 14, 2010.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that compliance with the additional conditions for live entertainment, set forth on Exhibit 3, is required.

Section 2. That a description of the Conditional Use Permit is set forth in Case No. 16-UP-2010. The property that is subject to the Conditional Use Permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 14th day of September, 2010.

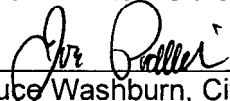
ATTEST:

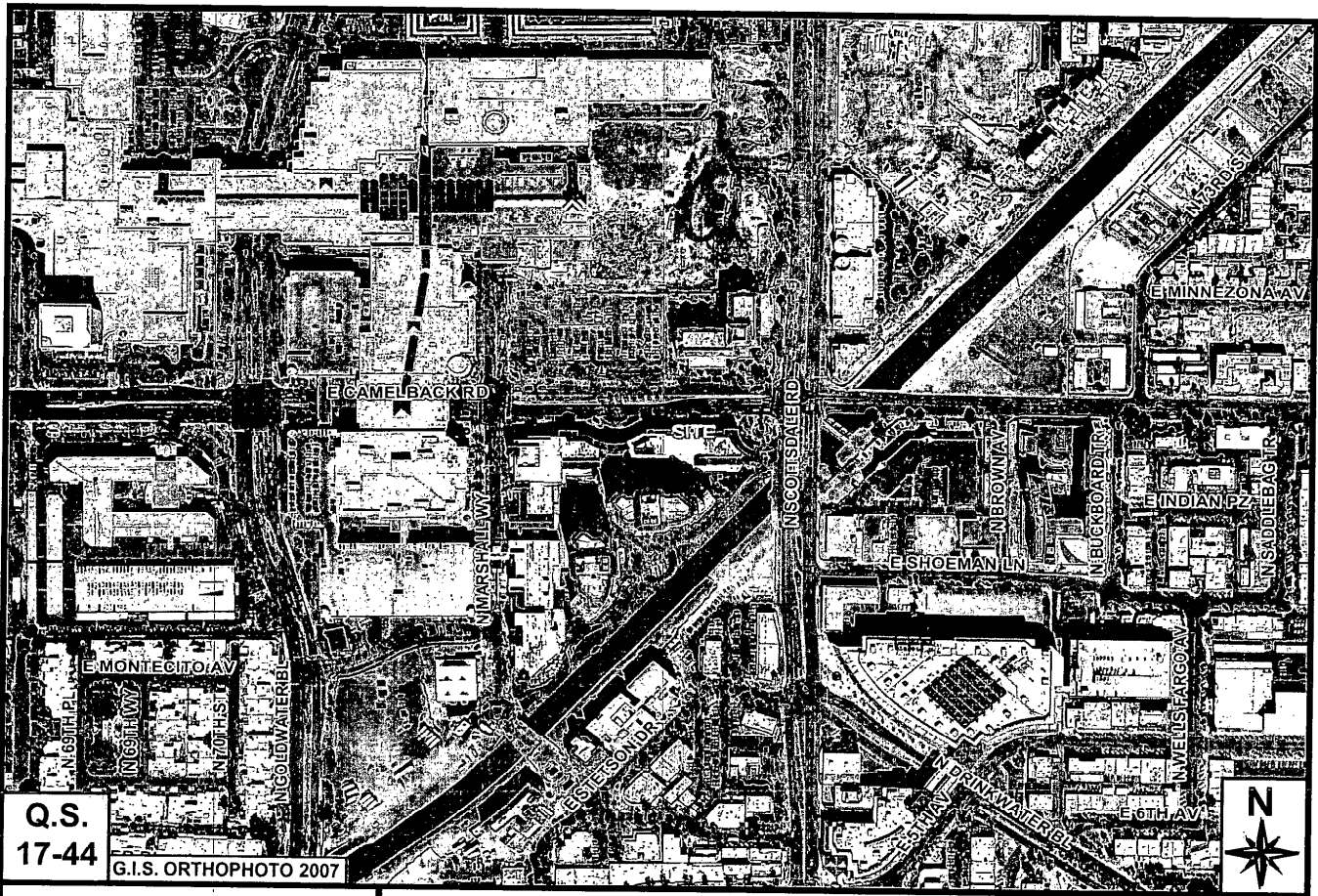
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Sr. Assistant City Attorney



16-UP-2010

Exhibit 1
Resolution No. 8434
Page 1 of 1

Culinary Dropout

Conditional Use Permit – Live Entertainment

Stipulations:

Culinary Dropout for

Case Number: 16-UP-2010

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

OPERATIONS

1. **CONFORMANCE TO SITE PLAN.** The site layout of the premises shall be in substantial conformance with the site plan labeled "Phase 1 – First Floor Plan Scottsdale Waterfront, and with the city staff date of 6-29-10, attached as Exhibit A to Exhibit 2. Any proposed significant change to the site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by cmda design bureau, inc. and with the city staff date of 6-29-10, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO BAR USE.** This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request. In the event the restaurant operation changes to a bar, pursuant to the City of Scottsdale Zoning Ordinance definitions of "bar" and "restaurant," a Bar and new Live Entertainment Conditional Use Permit may be required, and parking will be calculated based on a bar/live entertainment use.
4. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to:

	Start	To	End
Sunday	9:00 p.m.	To	11:00 p.m.
Monday	9:00 p.m.	To	11:00 p.m.
Tuesday	9:00 p.m.	To	11:00 p.m.
Wednesday	9:00 p.m.	To	11:00 p.m.
Thursday	9:00 p.m.	To	11:00 p.m.
Friday	9:00 p.m.	To	11:00 p.m.
Saturday	9:00 p.m.	To	11:00 p.m.

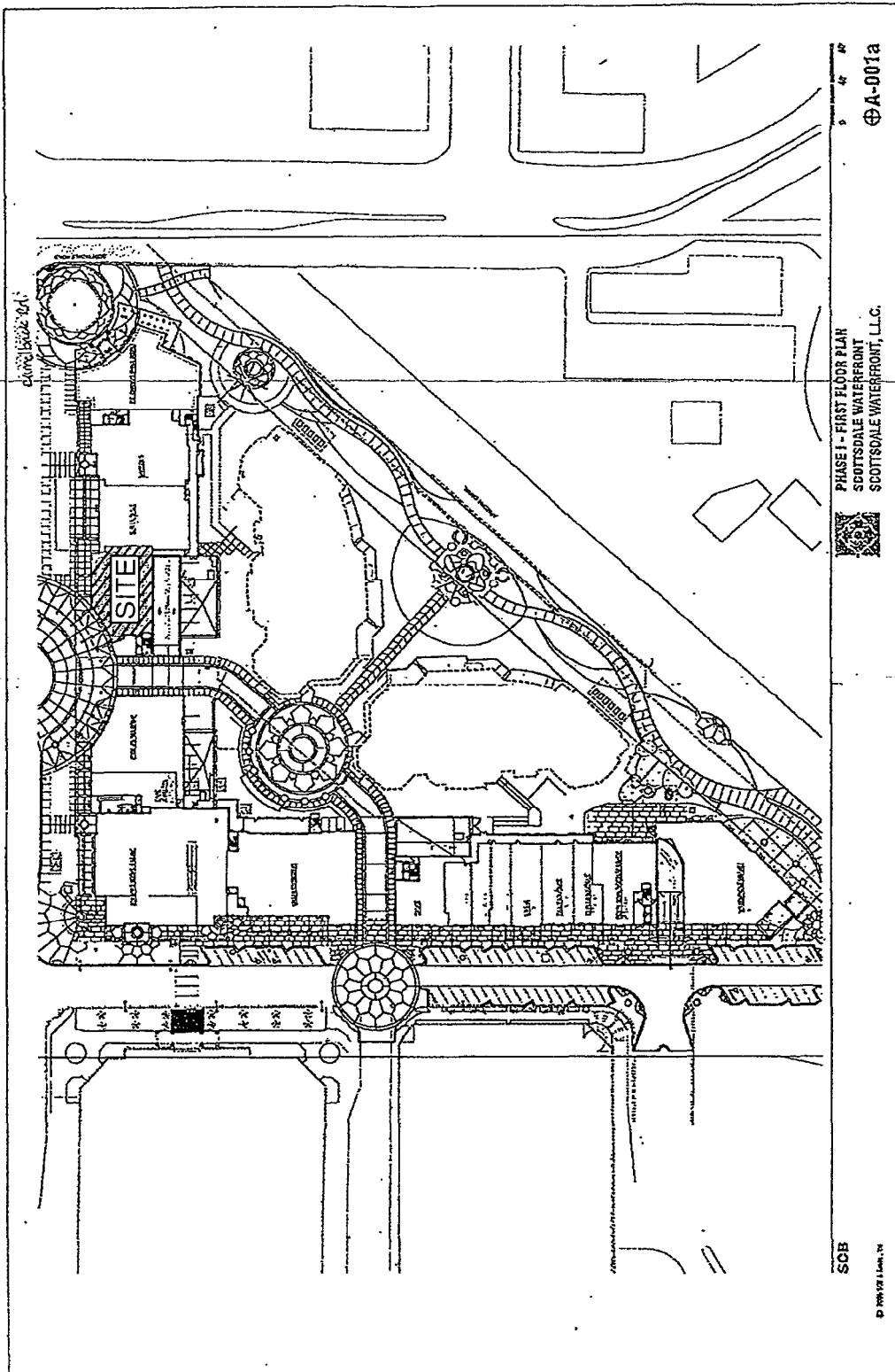
5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The live entertainment shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City

of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

6. NOISE. Noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator or designee.
7. EXTERNAL SPEAKERS. External speakers shall not be used in connection with any live entertainment.
8. EXTERNAL DOORS. All doors, windows and other external openings shall be closed but not locked during live entertainment hours.
9. All live entertainment must be conducted indoors.

ADMINISTRATIVE PROCESS

10. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
11. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



floor plan

cmda
design bureau inc.
1111 West Broadway, Suite 200
Phoenix, AZ 85001
Tel: 602.258.1111
Fax: 602.258.1112
www.cmda.com

testani
design inc.
1111 West Broadway, Suite 200
Phoenix, AZ 85001
Tel: 602.258.1111
Fax: 602.258.1112
www.testani.com

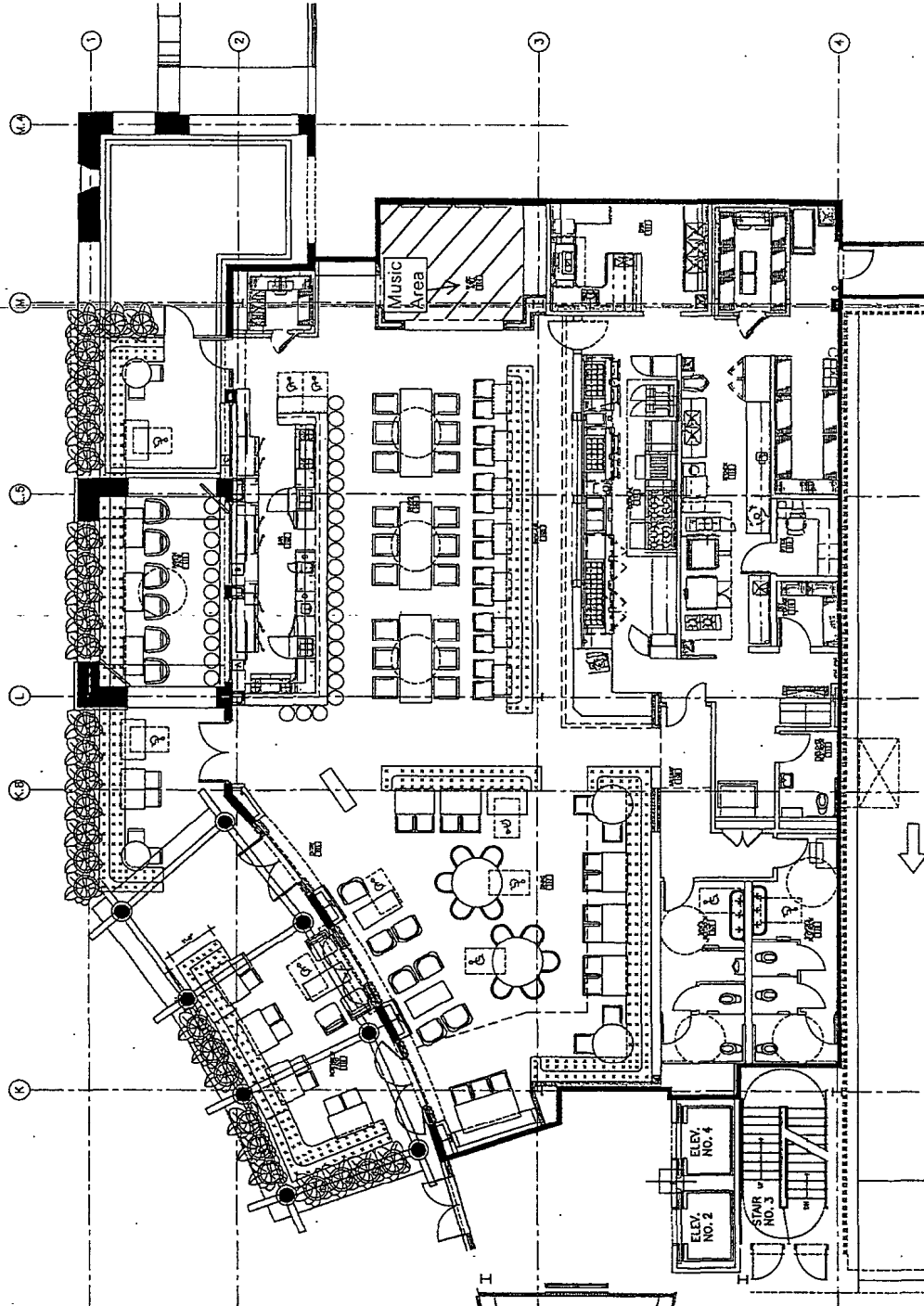
culinary dropout
scottsdale waterfront
7135 e. camelback rd.
scottsdale, az

REV.	DATE	BY	CHK	DESCRIPTION
1	06/23/10	MD		ISSUED FOR PERMIT
2	06/23/10	MD		ISSUED FOR PERMIT
3	06/23/10	MD		ISSUED FOR PERMIT
4	06/23/10	MD		ISSUED FOR PERMIT
5	06/23/10	MD		ISSUED FOR PERMIT
6	06/23/10	MD		ISSUED FOR PERMIT
7	06/23/10	MD		ISSUED FOR PERMIT
8	06/23/10	MD		ISSUED FOR PERMIT
9	06/23/10	MD		ISSUED FOR PERMIT
10	06/23/10	MD		ISSUED FOR PERMIT
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15	06/23/10	MD		ISSUED FOR PERMIT
16	06/23/10	MD		ISSUED FOR PERMIT
17	06/23/10	MD		ISSUED FOR PERMIT
18	06/23/10	MD		ISSUED FOR PERMIT
19	06/23/10	MD		ISSUED FOR PERMIT
20	06/23/10	MD		ISSUED FOR PERMIT

16-UP-2010
1st, 6/29/2010

Sheet #00

A1.00



FLOOR PLAN
SCALE: 1/8" = 1'-0"

Exhibit 3
Scottsdale Revised Code Section 1.403(J)

J. *Live entertainment.*

1. The site plan shall demonstrate that:
 - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
10. The following operational standards must be met by the use throughout its operation:
 - a. All external doors shall be closed but not locked during business hours.
 - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
 - c. The applicant/operator shall comply with all plans approved as provided herein.



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 6/15/10 Project No.: _____ - PA - _____
Coordinator: Kim Chafin Case No.: _____ - _____ - _____
Project Name: Culinary Dropout

Project Location: 7135 E. Camelback Rd #125, Scottsdale, AZ 85251

Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: Regional Commercial Office-Type 2 (D/RCD-Type 2) w/ PDS overlay Proposed Zoning: NA

Number of Buildings: 3 Parcel Size: 4.41 acres for Retail/office Portion

Gross Floor Area/Total Units: 201,603 SF / 30 units Floor Area Ratio/Density: _____

Parking Required: _____ Parking Provided: 2 level parking garage w/ 570 parking

Setbacks: N - 55 ft S - _____ E - _____ W - 28.5 ft + 21 Handicap = 591 Total

Description of Request:

Plus
Surface
parking
marshalling way
= 60 spaces

16-UP-2010
1st: 6/29/2010

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



culinary dropout

FACT SHEET

Request: Play live music as an amenity to the guests during their dining experience.

When: Seven nights a week during the hours of the full dinner menu being served (music from 9pm-11pm).

Type of Music: Acoustical style, down tempo beats, mellow Indy, funky dinner music.

Restaurant Overview:

Owned by FOX restaurant concept's owner Sam Fox, Culinary Dropout, the little gastropub includes a \$21 or less menu, uniform-free staff and relaxed, soulful ambiance. Rustic wood flooring and worn, overstuffed leather benches compliment deep purple and green chandeliers and patterned velvet chairs. Melt into the dusky, comfortable setting at the Scottsdale Waterfront and enjoy our outdoor patio. Other restaurants owned by FOX restaurant concepts include; Bloom, Blanco, Olive & Ivy, True Food Kitchen, Modern Steak, North, The GreeneHouse and Sauce Pizza.

Offerings:

The menu at Culinary Dropout features amped-up pub-type appetizers, salads, sandwiches and entrees, along with a unique Antipasti Menu showcasing delicious and hard-to-find meats, cheeses and vegetables.

A sampling of featured menu offerings include:

- Soft Pretzels & Provolone Fondue sea salt \$10
- Pork Belly Cubano tavern ham, house pickles, swiss 10
- Crispy Shrimp Caesar Salad romaine, roasted garlic, parmesan 13
- Short Rib Pasta orecchiette, butter beans, tomato, parmesan 15
 - Fish & Chips* coleslaw 15
- Fried Chicken buttermilk biscuit, honey drizzle 16

Hours of Operation:

Culinary Dropout is open seven days a week from 11:30am-midnight.

Food/Alcohol Sales:

65% food and 35% alcohol

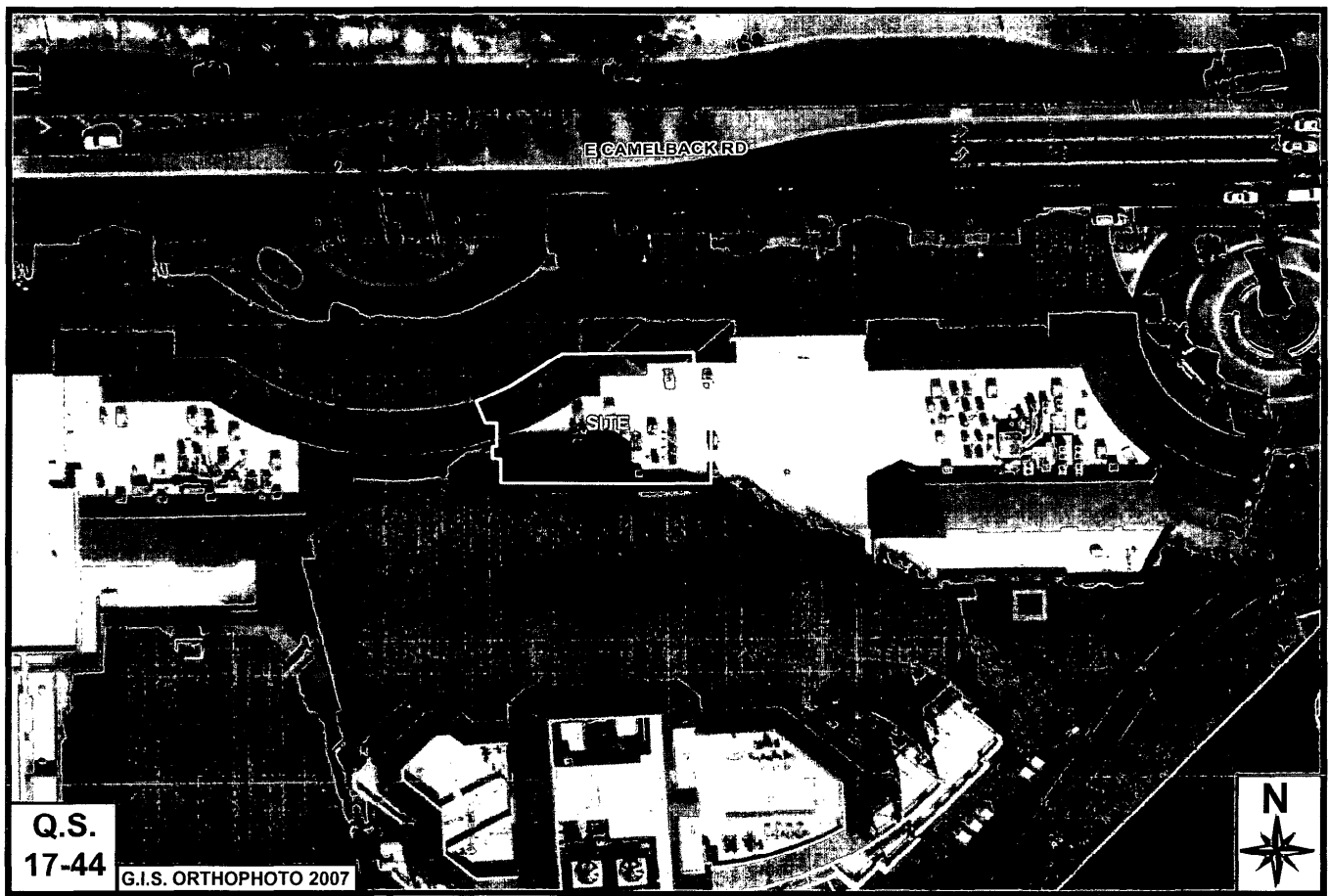
Site information addressing live entertainment criteria pertaining to this request:

1. Culinary Dropout faces Camelback Road. The nearest residences, Scottsdale Waterfront Residences, are more than 500 Ft from Culinary Dropout's entry and the back side of the Scottsdale Waterfront retail shops act as a buffer and separation between the restaurant and the residences. The entrance to the restaurant on the North side of the shops is well lit and clearly visible for the guests from Camelback Rd.
2. Sound from inside the restaurant is contained within the building; external doors will be kept closed during the hours of live music.



Fact Sheet Continued

3. Buffering which physically separates access to the restaurant and residences: The nearest residences to the South are Scottsdale Waterfront which will be buffered from the restaurant by a loading dock on the rear of the retail center as well as an enclosed common corridor that is between the space and the loading dock. The rear of the premises is the kitchen which will also act as a physical buffer which is between the area where live music will be played and the loading dock/common corridor.
4. All guest entrances on the North side of the retail center facing camelback are currently well lit and can clearly be seen from the public street.
5. As can be identified from the floor plan the small area where music will be played is on the interior of the space. During times when live entertainment will occur all doors will be closed (but unlocked) and outdoor speakers will not be linked to the live music.



Q.S.
17-44

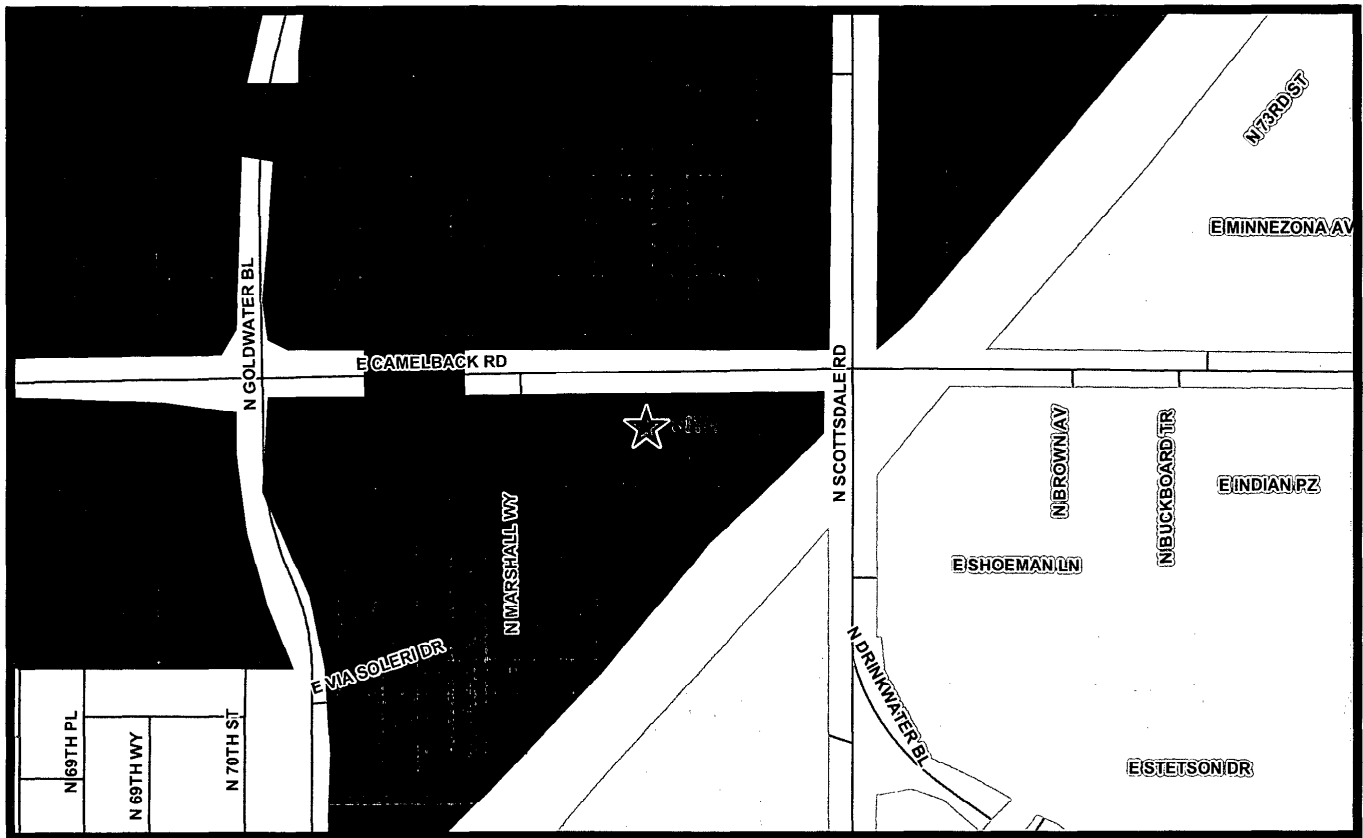
G.I.S. ORTHOPHOTO 2007

16-UP-2010







ATTACHMENT #3

Culinary Dropout

Land Use Plan



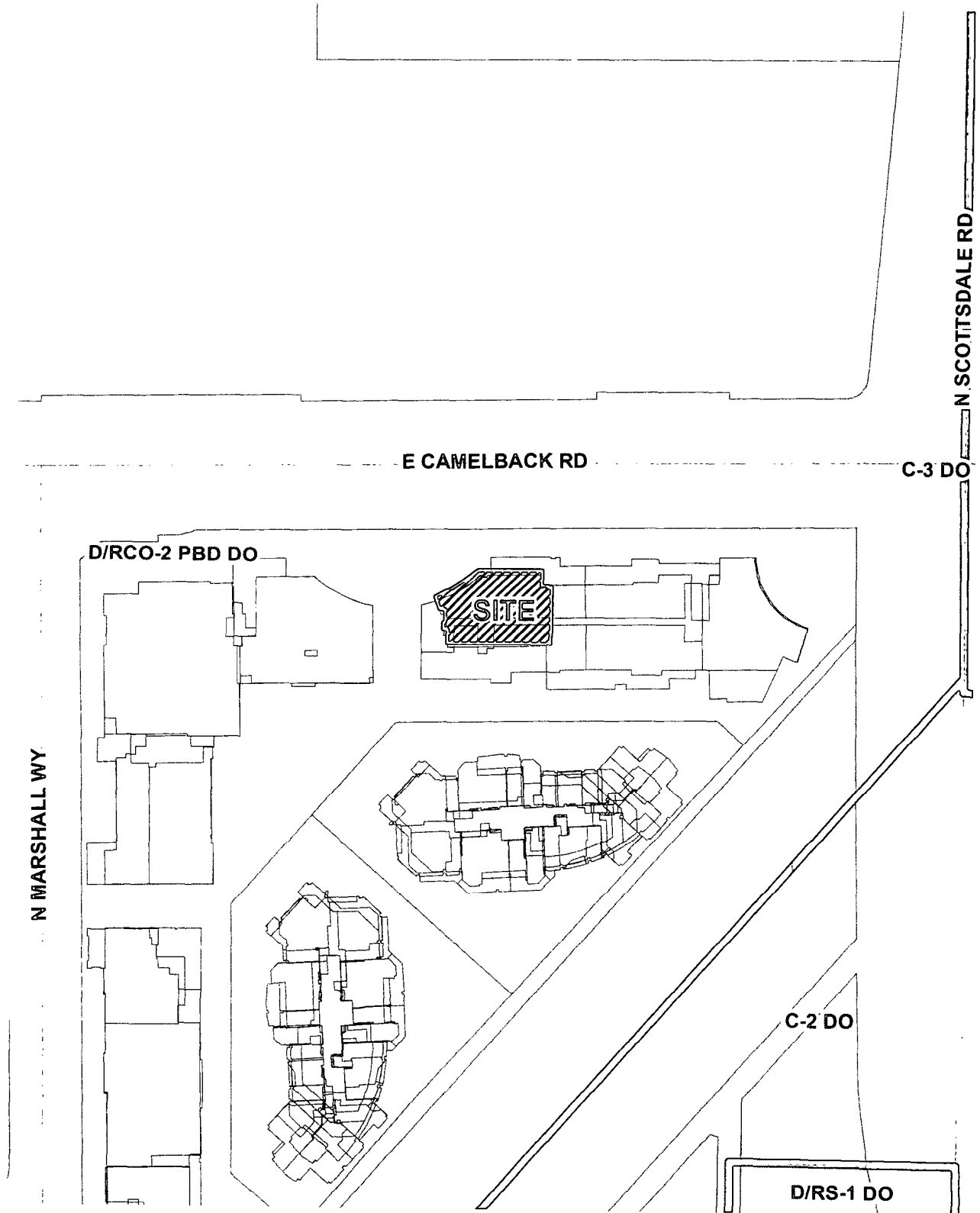
Land Use Designations

	Downtown Civic Center - Type 2		Downtown Medical - Type 2
	Civic Center or Medical - Type 2		Downtown Multiple Use - Type 2
	Downtown Core - Type 1		Downtown Regional Multiple Use - Type 2

16-UP-2010



ATTACHMENT #4



16-UP-2010

ATTACHMENT #5



7/21/2010

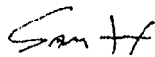
Dear Neighbor,

Our recent restaurant Culinary Dropout has been a huge success with our trial period of live music which has been a much appreciated amenity by the dinner service and we wanted to test out live music on a more permanent basis.

We are currently involved with the live music permit process with the City of Scottsdale. We will continue to have live music inside the restaurant on Thursday, Friday, and Saturday nights during dinner time from 9pm-11pm. This will be only inside the restaurant, not on the patio. If you have any questions please call Kara Sundeen at 480.751.2164.

Attached with this letter is the fact sheet that was submitted to the City of Scottsdale for the use permit request.

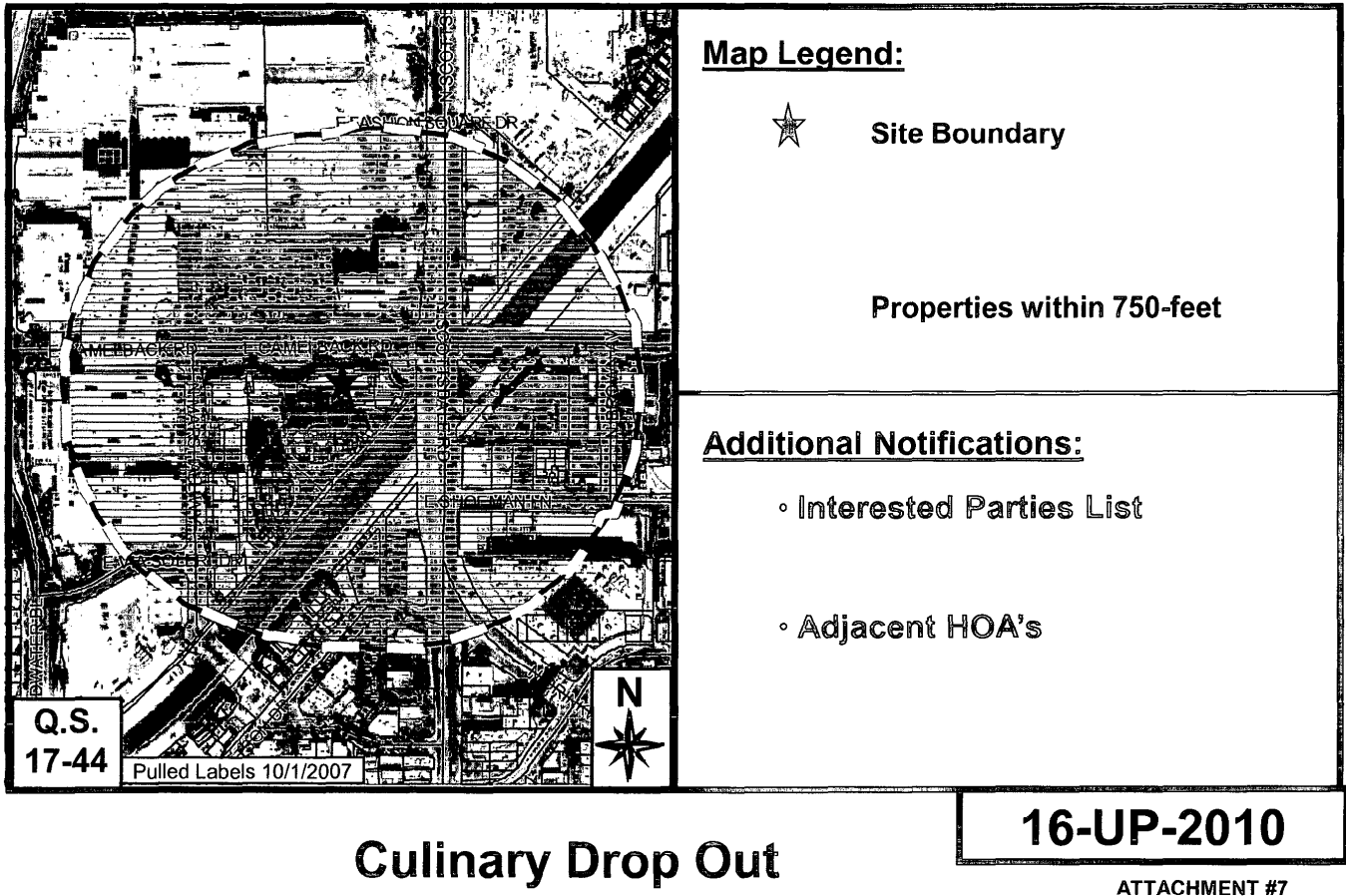
Sincerely,



Sam

ATTACHMENT #6

City Notifications – Mailing List Selection Map



7. 11-UP-2010 Trader Vic's Live Entertainment

Jan Hass expressed concern about the noise that could radiate from live music. She said that there have been past instances when the neighborhood has had to call the police to report noise problems with Trader Vic's.

Commissioner Filsinger asked that the item be moved to the regular agenda for a staff presentation.

8. 16-UP-2010 Culinary Dropout

9. 17-UP-2010 Houston's Restaurant Live Entertainment

Anne Sanderson asked that Houston's ADA compliance issues be considered before they are issued a use permit for live entertainment. Tim Curtis said that he would inform Code Enforcement that there were ADA compliance concerns.

10. 12-ZN-2009 Notre Dame Preparatory High School

11. 30-UP-2009 Notre Dame Preparatory High School

Commissioner Schmitt requested that items 12-ZN-2009 and 30-UP-2009 be moved to the regular agenda for presentation.

COMMISSIONER PETKUNAS MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE 18-ZN-1997#2, NWC OF PIMA & DYNAMITE, FINDING THAT THE PCD FINDINGS HAVE BEEN MET AND THAT THE DESIGN IS IN CONFORMANCE WITH THE GENERAL PLAN; 2-AB-2010, DONOVAN RESIDENCE ROW ABANDONMENT; 16-UP-2010, CULINARY DROPOUT, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; AND 17-UP-2010, HOUSTON'S RESTAURANT LIVE ENTERTAINMENT, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER OTTMAN WAS ABSENT.

REGULAR AGENDA

7. 11-UP-2010 Trader Vic's Live Entertainment

Bryan Cluff provided a presentation outlining the proposal and confirming that all entertainment will be inside and the doors will remain closed. Entertainment is expected to be from approximately 8:00 to 10:30 p.m.

Jan Hass reiterated her concerns about sound radiating from Trader Vic's into the surrounding neighborhoods.

COMMISSIONER PETKUNAS MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE 11-UP-2010, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER OTTMAN WAS ABSENT.